

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases

Case No. 5:16-cv-10444-JEL-EAS
(Consolidated)

Hon. Judith E. Levy

Mag. Judge Elizabeth A. Stafford

**JOINT STIPULATION REGARDING PLAINTIFFS' MOTION FOR
DISTRIBUTION OF ATTORNEYS' FEES**

Class Counsel, Co-Liaison Counsel (collectively, "Plaintiffs' Counsel"), and State Defendants (collectively, "the Parties") hereby stipulate and agree to the following:

WHEREAS on June 23, 2023, Plaintiffs' Counsel filed their Motion for Distribution of Attorneys' Fees from the Programmatic Relief Sub-Qualified Settlement Fund, Distribution of Pro Rata Interest, Reimbursement of Common Benefit Litigation Expenses, and Setting Aside Funds for Continued Litigation Expenses ("Fee Motion") (ECF No. 2505), to which State Defendants filed a Response on July 12, 2023 (ECF No. 2520);

WHEREAS no other signatory to the Amended Settlement Agreement (ECF No.1394-2) submitted a response to the Fee Motion by the Court-ordered deadline of July 12, 2023;

WHEREAS, on July 18, 2023, the Court granted the Parties' joint stipulation to suspend consideration and ruling on Plaintiffs' Fee Motion given that the Parties were in the process of discussing whether the Parties could narrow or eliminate any of the issues State Defendants raised in response to the Fee Motion;

WHEREAS, pursuant to the Parties' discussions, the Parties' jointly stipulate and agree as follows:

1. Plaintiffs' Counsel agree to withdraw their request for the Court to set aside \$5 million from the FWC Qualified Settlement Fund to pay for future reasonable common benefit litigation expenses. The Parties agree that this withdrawal is without prejudice to Plaintiffs' Counsel's renewal of such request, and without prejudice to the State Defendants being permitted to respond to any such request, at an appropriate time.
2. The Parties agree that: the Programmatic Relief Sub-Qualified Settlement Fund should be funded and disbursed as soon as practicable, and calculated based on 2% of the current net settlement funds (as of 7/31/23, and inclusive of all realized accrued interest as of 7/31/23); and that the 10% common benefit fee to Class Counsel to be paid from that 2% Fund may

be distributed to Class Counsel when the funds are disbursed into the Programmatic Relief Sub-Qualified Settlement Fund, which should be no later than September 15, 2023. As set forth in paragraph 7.3 of the Amended Settlement Agreement, once distributed, the funds in the Programmatic Relief Sub-Qualified Settlement Fund shall be distributed and used pursuant to the terms and guidelines established in a separate Settlement Agreement between the Education Law Center, American Civil Liberties Union, Michigan Department of Education, Genesee Intermediate School District, and Flint Community Schools in *D.R. et al., v. Michigan Department of Education*.

3. State Defendants do not oppose a reimbursement to Plaintiffs' Counsel of reasonable litigation expenses incurred related to the Amended Settlement Agreement only, and for previously unbilled common-benefit expenses incurred since February 15, 2021, for work relating to the Amended Settlement Agreement only. The amounts reimburse-able to Plaintiffs' Counsel from the Qualified Settlement Fund for such expenses will be identified in a Special Master Report filed in support of Plaintiffs' Fee Motion.
4. Plaintiffs and the State Defendants were unable to reach agreement on the treatment of the pro rata amounts of interest sought by Plaintiffs' Counsel

on the prior expense award and common benefit award under the Amended Settlement Agreement. Plaintiffs will submit a reply brief in support of their position on that issue, and the issue will thereafter be ripe for a decision from the Court.

Dated: August 22, 2023

Respectfully submitted,

/s/ Stephen Morrissey

Stephen Morrissey
SUSMAN GODFREY, L.L.P.
401 Union Street, Suite 3000
Seattle, WA 98101
Telephone: (206) 516-3880
smorrissey@susmangodfrey.com
**EXECUTIVE COMMITTEE FOR
CLASS PLAINTIFFS**

/s/ Margaret A. Bettenhausen

Margaret A. Bettenhausen (P75046)
Assistant Attorney General
Environment, Natural Resources, and
Agriculture Division
P.O. Box 30755
Lansing, MI 48909
Phone: 517-335-7664
bettenhausenm@michigan.gov
**ATTORNEY FOR THE STATE
DEFENDANTS**

/s/ Paul F. Novak

Paul F. Novak (P39524) WEITZ
& LUXENBERG, PC
3011 W. Grand Blvd., 24th Floor
Detroit, MI 48202
Phone: 313-800-4170
pnovak@weitzlux.com
**EXECUTIVE COMMITTEE
FOR CLASS PLAINTIFFS**

/s/Theodore J. Leopold

Theodore J. Leopold
COHEN MILSTEIN SELLERS
& TOLL PLLC
11780 U.S. Highway One, Suite N500
Palm Beach Gardens, FL 33408
Telephone: (561) 515-1400
tleopold@cohenmilstein.com
CO-LEAD CLASS COUNSEL

/s/ Corey Stern

Corey M. Stern

LEVY KONIGSBERG, LLP

605 Third Avenue, 33rd Floor

New York, NY 10158 Phone:

212-605-6200

cstern@levylaw.com

CO-LIAISON COUNSEL

/s/ Hunter Shkolnik

Hunter Shkolnik

NS PR Law Services, PLLC 1302

Avenida Ponce de Leon Santurce,

PR 00907

Phone: 787-493-5088

hunter@nspirlaw.com

CO-LIAISON COUNSEL

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2023, I electronically filed the above document(s) with the Clerk of the Court using the ECF System, which will provide electronic copies to counsel of record.

/s/ Stephen Morrissey
Stephen Morrissey